

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL CASE NO. 2:11cr27-2

UNITED STATES OF AMERICA,)

)

)

vs.)

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LOUIS ZULLI.)

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ORDER

THIS MATTER is before the Court on the Government's Motion to Incorporate the Consent Order and Judgment of Forfeiture into Criminal Judgment [Doc. 22].

On November 22, 2011, a Consent Order and Judgment of Forfeiture was entered in this case pursuant to which the Court found the Defendant had an interest in the property at issue which was forfeitable. [Doc. 12, at 1-2]. That Order contained the following provisions:

[T]he defendant herein waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding ... incorporation of the forfeiture in the judgment against defendant.

...

If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed.R.Crim.P, 32.2(c)(2), and the United States shall have

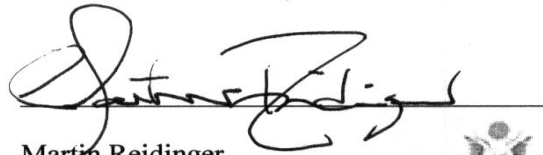
clear title to the property and shall dispose of the property according to law.

[Doc. 12 at 1-2].

The Government advised that despite publication and notice, no third party filed a petition and the record so reflects. [Doc. 13]. Federal Rule of Criminal Procedure 32.2(c)(2) provides that “[i]f no third party files a timely petition, the preliminary order becomes the final order of forfeiture [where] the court [found] that the defendant ... had an interest in the property that is forfeitable under the applicable statute.” Such is the case here. The Defendant, moreover, waived his right to have the forfeiture order included in his criminal judgment. [Doc. 12]. The Court therefore finds that the Government’s motion is moot.

IT IS, THEREFORE, ORDERED that the Government’s Motion to Incorporate the Consent Order and Judgment of Forfeiture into Criminal Judgment [Doc. 22] is hereby **DENIED** as moot.

Signed: March 5, 2013


Martin Reidinger
United States District Judge

